

REMARKS/ARGUMENTS

Status of the Claims

Claims 1-2, 4-15, and 17-28 are pending in this case, with claim 1 being the only independent claim. Claims 3, 16 have been cancelled without prejudice or disclaimer. Newly added claim 28 is supported by paragraph [0042] of Applicants' published application (see US 2005/0099108)

No new matter has been added.

Overview of the Office Action

Claims 1-2, 4-9, 15, 22-24, and 27 stand rejected under 35 U.S.C. §102(b) as being anticipated by Johnson (US 5,463,280)

Claims 25-26 stand rejected under 35 U.S.C. §103(a) as unpatentable over Johnson.

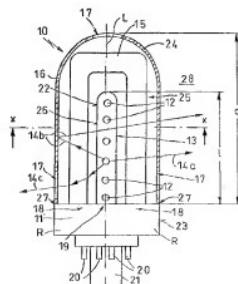
Claims 10-14 stand rejected under 35 U.S.C. §103(a) as unpatentable over Johnson and further in view of Chan (US 2003/0021117).

Claims 1-2, 4-5, 8, and 17-22 stand rejected under 35 U.S.C. §103(a) as unpatentable over Harbers (US 6,586,882) and further in view of Johnson.

Summary of the Subject Matter Disclosed in the Specification

The following descriptive details are based on the specification. They are provided only for the convenience of the Examiner as part of the discussion presented herein, and are not intended to argue limitations which are unclaimed.

The present specification discloses a lamp (10) having a base (11) for connection to a lamp socket on the lamp (10). A plurality of LED elements (12) are spaced apart from the base (11)



and combined into a module (13) arranged on the base (11). The LED elements (12) in the module (13) are aligned in a substantially longitudinal direction of the lamp (10). The lamp (10) also has a non-LED electrical lamp element (15), such as a compact fluorescent lamp or a high-pressure discharge lamp, arranged on the base (11). See, e.g., Fig. 1 and paragraphs [0022], [0039] and [0040] of the published application (i.e., US 2005/0099108).

The lamp (10) described above allows for homogeneous luminance distribution of the LED light emitted by the LED elements (12). See, para. [0004] of the published application.

Patentability of the Claimed Invention

A. Independent claim 1 is not taught by Johnson

While applicants do not believe that the Examiner's interpretation of "non-LED lamp element" to include wire is correct, independent claim 1 is amended to replace "non-LED lamp element" with --non-LED electrical lamp"-- to expedite prosecution of the application. This amendment clarifies that the lamp according to the invention includes both a plurality of LED elements and a non-LED electrical lamp. Examples of the non-LED electrical lamp include compact fluorescent lamps and high pressure discharge lamps, as explained above. Accordingly, independent claim 1 now recites "at least one non-LED electrical lamp arranged on the base."

The above-recited features of independent claim 1 are not taught by Johnson because element 42 in Johnson (interpreted in the Office Action as the claimed non-LED electrical lamp) represents electrical contacts (see col. 5, ln. 54 of Johnson), and not a lamp. Therefore, Johnson does not teach "at least one non-LED electrical lamp arranged on the base," as is expressly recited in independent claim 1.

Independent claim 1 thus patentably distinguishes over Johnson. The §102(b) rejection of independent claim 1 has been overcome.

B. Independent claim 1 is not obvious over Harbers and Johnson

As stated above, independent claim 1 now recites “at least one non-LED electrical lamp arranged on the base.”

The above-recited features of independent claim 1 are not taught by Harbers because elements 1, 3 in Harbers (interpreted in the Office Action as the claimed non-LED electrical lamp) are merely spirally wound wire 1 and conversion means 3. Although the conversion means 3 in Harbers convert light generated by the opto-electronic element 2, Harbers’ conversion means 3 are not an electrical lamp, much less a non-LED electrical lamp as recited in independent claim 1. Therefore, Harbers does not teach “at least one non-LED electrical lamp arranged on the base,” as is expressly recited in independent claim 1.

Johnson does not teach a lamp, much less a non-LED electrical lamp as recited in independent claim 1. Consequently, Johnson does not remedy the deficiencies of Harbers.

Therefore, the combination of Harbers and Johnson does not teach “at least one non-LED electrical lamp arranged on the base,” as is expressly recited in independent claim 1. Independent claim 1 thus patentably distinguishes over the combination of Harbers and Johnson. The §103(a) rejection of independent claim 1 has been overcome.

C. Dependent Claims 2, 4-15, and 17-28

Claims 2, 4-15, and 17-28 depend, directly or indirectly, from allowable independent claim 1. Chan was cited in the Office Action against the additional claim features of claims 10-14 and does not remedy the deficiencies of Johnson. Therefore, claims 2, 4-15, and 17-28 each is allowable for at least the same reasons that independent claim 1 is allowable.

In addition, these dependent claims include features which serve to even more clearly distinguish the claimed invention over the prior art of record.

Conclusion

Based on all of the above, it is respectfully submitted that the present application is now in proper condition for allowance. Prompt and favorable action to this effect and early passing of this application to issue are respectfully solicited.

Should the Examiner have any comments, questions, suggestions or objections, the Examiner is respectfully requested to telephone the undersigned in order to facilitate reaching a resolution of any outstanding issues.

Respectfully submitted,
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